

Message

---

**From:** Brock, Martha [Brock.Martha@epa.gov]  
**Sent:** 6/2/2021 12:53:10 PM  
**To:** Amoroso, Cathy [Amoroso.Cathy@epa.gov]  
**Subject:** RE: DOE Oak Ridge Priority EMDF D1 ROD review/comment...

Thank you! I will just repeat that, if done consistent with CERCLA, the PP is instructive to see if there are changes to a remedy made after the PP was published that might warrant special language in the ROD or perhaps even a new PP and comment period.

In this case, however, the PP was issued prior to resolution of the FFS dispute (we still do not have a final FFS, and DOE has not submitted one, such that the public has not had an opportunity to comment on the waste water discharge component of the remedy. It would be a twisting of the public involvement requirements to suggest that the public had an opportunity to comment on something that was not, and is still not, a "final" part of the Administrative Record.

In addition, the failure to submit a revised FFS within the timeframe in the FFA (35 days after the Administrator issued the decision, but to be fair, that could be 35 days after issuance of the ARARs table on January 19, 2021; so by February 23, 2021) is a failure to meet a term or condition of the FFA and subjects them to stipulated penalties.

Haven't we told them, more than once, in writing to submit a revised FFS? Of course, the Administrator did in his letter, and they have known since 1999 when they signed the FFA, but I meant at the Regional level.

---

**From:** Cathy <Amoroso.Cathy@epa.gov>  
**Sent:** Wednesday, June 2, 2021 8:26 AM  
**To:** Brock, Martha <Brock.Martha@epa.gov>  
**Subject:** FW: DOE Oak Ridge Priority EMDF D1 ROD review/comment...  
**Importance:** High

fyi

---

**From:** Froede, Carl <Froede.Carl@epa.gov>  
**Sent:** Wednesday, June 2, 2021 8:18 AM  
**To:** Frederick, Tim <Frederick.Tim@epa.gov>; Thoms, Sharon <Thoms.Sharon@epa.gov>; Alexander, Shanna <Alexander.Shanna@epa.gov>; Osteen, Bill <Osteen.Bill@epa.gov>  
**Cc:** Amoroso, Cathy <Amoroso.Cathy@epa.gov>; Jones, Connie <Jones.Constance@epa.gov>  
**Subject:** DOE Oak Ridge Priority EMDF D1 ROD review/comment...  
**Importance:** High

Good morning everyone,

I hope that everyone is well.

The DOE is currently planning to deliver the Environmental Management Disposal Facility (EMDF) D1 ROD to EPA on July 12<sup>th</sup>. It has a very high review/comment **priority**.

Attached is the final approved EMDF Proposed Plan for your background review/consultation in preparing to review the D1 ROD. Appendix A should be reviewed but **NOT** Appendix B "FIELD SAMPLING PLAN."

I will submit a SSS review request form for the PP review (no comments are requested) and for the upcoming EMDF D1 ROD (comments requested). Connie or I will electronically provide you with a copy of the D1 ROD when it is made available to EPA. We are requesting a 60-day D1 ROD review. This will require that you submit your comments back to

Connie Jones and me no later than September 10, 2021 (60 days). This email is being shared now to give you advanced notice of the upcoming D1 ROD.

Please contact me if you have any questions.

Thanks very much,  
Carl